

Please amend claim 1 as follows:

1. ~~(Amended)~~ A method for controlling communication protocol's timeout, comprising the step of:
- A2*      *B*  
delaying a portion of a plurality of messages carried on a communication channel, wherein the delayed portion are data messages.

### **REMARKS**

Claims 1-3, 5 and 6 are pending.

#### Claims 1-4 and 6

The Examiner has rejected claims 1-4 and 6 as being anticipated by Packer, U.S. Patent No. 6,038,216 (hereinafter "the Packer patent"). The Applicant respectfully traverses the arts grounds of rejection.

The Packer patent teaches a system 10 which uses a first TCP end system 12 and a second TCP end system 14 such that the end systems (12, 14) are connected through a first router 16 and are enabled for communications. According to the Packer patent, the rate control in the communications environment may be controlled by adding latency to the acknowledgement packet of the network level and/or by modifying the report of the length of the receive window in those same packets and/or by generating acknowledgements substantially independently of the acknowledgements generated by the end

receiving station. Packer, col. 3, line 63 - col. 4, line 3. Though the Packer patent does teach an introduction of latency in the acknowledgement message, it fails to teach the Applicant's claims.

Claim 1

The Packer patent fails to teach the Applicant's claim 1, specifically "delaying a portion of a plurality of messages carried on a communications channel, wherein the delayed portion are data messages," as taught in Applicant's claim 1 (emphasis added). As is known to one skilled in the art, the introduction of latency in the "data messages," as found in the Applicant's claim 1, are different than "acknowledgement messages" as found in the Packer patent.

The Applicant has shown that the Packer patent fails to teach Applicant's claim 1. Therefore, Applicant's claim 1 is allowable and the Applicant respectfully requests allowance of claim 1.

Claims 2, 3 and 6

Claims 2, 3 and 6 depend from allowable claim 1. Therefore, for at least the reasons that claims 2, 3 and 6 depend from claim 1 and on their own merits, the Applicant respectfully requests allowance of claims 2, 3 and 6.

Claim 4 has been canceled without prejudice or disclaimer to the subject matter contained therein.

Claim 5

The Examiner has rejected claim 5 under 35 U.S.C. §103(a) as being unpatentable under the Packer patent in view of Fischer, U.S. Patent No. 5,371,734 (hereinafter "the Fischer patent"). The Fischer patent teaches an improved method of using the medium access control ("MAC") in a plurality of LAN segments which are bridged together to form a LAN network. Similar LAN segments are single resource, single node LAN segments, while others have two active nodes, a source node and a destination node. The Fischer patent further teaches an improved method of sizing the data packets for efficient communication.

It has been shown that the Packer patent fails to teach Applicant's claim 1. In the portion of the Fischer patent cited by the Examiner, the Fischer patent merely mentions that "the MAC protocol also provides efficient, low latency support for typical LAN usage patterns, in which frame size distribution is strongly bimodal ... and frame arrival rates are burst like (highly non-uniform with shifting peak traffic locations)." Fischer; col. 13, lines 52-56. As with Packer, Fischer supplies no teaching of "delaying a portion of a plurality of messages carried on a communications channel, wherein the delayed portion

are data messages," as recited in claim 1 (emphasis added). Therefore, Packer in view of Fischer fails to render claim 1 obvious to one skilled in the art.

Claim 5 is dependent from allowable claim 1 and claim 5 is patentable for the reasons stated above with respect to claim 1 as well as on its own merits. Allowance of Claim 5 is respectfully requested.

### **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested.

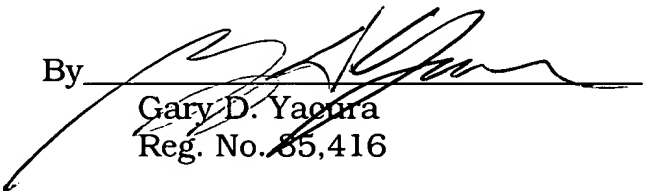
If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Terance Madden at (703) 668-8024.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Very truly yours,

HARNESS, DICKEY & PIERCE, PLC

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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**IN THE SPECIFICATION**

Please amend the specification as follows:

On page 3, please replace the paragraph containing lines 14-27 with the following paragraph:

--FIG. 3 illustrates a functional block diagram of a wireless communication channel. Base station 40 receives data from a data source 50 hosting an application using TCP. Base station 40 communicates the data over an air interface to mobile station 60 which passes the received data to a data receiver 70 hosting an application using TCP. The delay can be inserted into the communication channel at either base station 40 or mobile station 60. In base station 40, data is transmitted and received via RF section 80. Channel delay can be inserted into data being transmitted by base station 40 or into acknowledges received by base station 40. Delays may be inserted data transmitted by base station 40 using buffer 82. Buffer 82 may be a shift register or cyclically addressed memory. Processor 84 controls the delay by controlling the number of stages the data must pass through when passing through buffer [84] 82. Processor 84 monitors the channel delay by monitoring acknowledge messages received from RF section 80. As a result, processor 84 can modify the depth or amount of delay added by buffer 82 until the desirable

delay is measured as seen by the delay in acknowledges received in response to data transmissions.--

***IN THE CLAIMS***

Please cancel claim 4 without prejudice or disclaimer to the subject matter contained therein.

Please amend claim 1 as follows:

1. (Amended) A method for controlling communication protocol's timeout, comprising the step of:

delaying a portion of a plurality of messages carried on a communication channel, wherein the delayed portion are data messages.